



Doc Code: AP.PRE.REQ

PTO/SB/33 (07-05)

Approved for use through xx/xx/200x. OMB 0651-00xx
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

LWS10004P00010US

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on **February 1, 2007**

Signature

Typed or printed name

Corinne Byk

Application Number

09/509,280

Filed

March 20, 2000

First Named Inventor

Peter Rowan Kellock

Art Unit

2621

Examiner

Shawn S. An

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number **32,273**☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34

Signature

F. William McLaughlin

Typed or printed name

(312) 876-1800

Telephone number

February 1, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.

Submit multiple forms if more than one signature is required, see below*.

☒

*Total of **One** forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Serial No. 09/509,280
LWS10004P0010US
PATENT

STATEMENT FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Claims 1-7, 9, 10, 15, 16, 19, 20, 22, 24-30, 32, 33, 38, 39, 42, 43, 45, 47-53, 55, 56, 60-62, 65, 66, 68 and 100-117 are pending in the application. The claims are all rejected as anticipated or obvious over Abecassis U.S. Patent No. 6,067,401.

In response to an Office action mailed March 7, 2006, applicants' attorney conducted an interview with the Examiner to discuss the manner in which the then pending claims distinguished over Abecassis. Subsequent to the interview, applicant filed an Amendment "B" on August 7, 2006, amending the claims consistent with that discussed during the interview. In the final Office action mailed November 2, 2006, the action is characterized as providing a new ground of rejection, *albeit* rejecting the same claims on the same reference. Characterization of the rejection as a new ground of rejection is not understood. The clear error in the rejection is the attempt to read into Abecassis a teaching that is clearly not discussed or suggested, based on the amendments made by applicant herein.

Claims 1, 24 and 47

Independent claim 1 specifies a system for creating an output video production from an input video signal. The system includes computerized digital signal processing means for automatically performing one or more digital signal processing algorithms implemented in computer software or hardware on visual data comprised in the video input signal to derive at least one descriptive value for each of a plurality of segments of the input video signal. Means are provided for using a selection rule and the descriptor values to select, from among the plurality of video signals, at least two video segments. Means are provided for using a sequencing rule and the descriptor values of the at least two selected video segments to derive a sequencing order in which to present the at least two selected segments, the said at least two selected segments being permuted in the sequencing order relative to the sequence of the at least two segments and the input video

signal. Means are provided for assembling an output video production by including the selected video segments in the sequencing order.

Independent claim 24 is a method claim having step limitations corresponding generally to apparatus limitations in claim 1. Independent claim 47 specifies a computer program product including computer usable medium and computer readable code program means corresponding generally to the means recited in claim 1. As such, the details of claim 24 and 47 are not discussed separately herein.

As applicant explained in a December 8, 2005, response and the subsequent interview, Abecassis does not disclose any automatic process for obtaining descriptor values. Abecassis uses descriptor values for characteristics such as profanity, violence, bloodshed, etc. It is not apparent how descriptor values could be obtained by any automatic process for such characteristics of a video. Indeed, Abecassis discloses that the descriptor values are assigned manually. The Examiner previously agreed that there is a conceptual difference between automatic derivation of descriptors and the manual assignment of Abecassis.

Accordingly, applicant amended independent claims 1, 24 and 47 to specify that the derivation of at least one descriptor value includes performing "one or more digital signal processing algorithms on visual data comprised in the video input signal". Claims 1 and 24 further recite that the algorithms are "implemented in computer hardware or software", while claim 47 requires that the claims are performed by "computable readable program code means".

Responsive to this Amendment, the rejection was modified to state that Abecassis automatically performs digital signal processing algorithms to derive at least one descriptor value by referring to Fig. 2 of Abecassis and noting "default setting for a descriptor value assigned is always 1 or none, implying the absence of an element; see also generalized descriptive rating" (underlining in action). Indeed, Abecassis discloses that the absence of an element is presumed so that the default setting of, for example, profanity in Fig. 2A would be the numeral 1. Thus, what Abecassis teaches is that by default, any of the various characteristics would be set initially to 1. After a manual process, a user can select another value such as 2, 3 or 4. Whether or not a default

value is used initially is irrelevant. There is no disclosure or suggestion in Abecassis of any automatic process for deriving descriptors. More particularly, there is no automatic performance of a digital signal processing algorithm on visual data comprising a video input signal to derive at least one descriptor value for each of a plurality of segments. The initial assignment of a default value of 1, whether or not performed automatically, is not performed based on visual data comprised in an input video signal.

This interpretation of Abecassis is clearly in error and is not supportable. Applicant otherwise repeats the more detailed arguments presented in the Amendment filed August 7, 2006, and the Amendment filed December 8, 2005.

Claims 105, 111 and 117

Claims 105, 111 and 117 are the remaining independent claims in the application. During the telephone interview of May 31, 2006, the Examiner indicated that his objection essentially was based on clarity and requested that the term "time-series descriptors" be clarified in the claims. Accordingly, these claims were amended to specify that the term "time series descriptors" means descriptors in the form of time series data. A time series is a sequence of data points, measured typically at successive times, spaced apart at uniform time intervals.

Independent claim 105 specifies a system for creating an output video production from an input video signal comprising means for obtaining at least two time series descriptors in the form of time series data, each of the time series descriptors representing the value of a characteristic of the input video signal at each of a series of successive time period. Means are provided for using at least one of the time-series descriptors to derive a set of segment boundary times, the segment boundary times defining a plurality of segments of the input video signal. Means are provided for applying a descriptor reduction rule to at least a second one of the time series descriptors to obtain automatically at least one segment descriptor for each of the segments of the input video signal, or each segment descriptor having a single value for each respective segment of the input video signal. Means are provided for using a selection rule and descriptor values to select from among the

plurality of video signals at least two segments. Means are provided for assembling the output video production including the selected video segments.

Claim 111 is a method claim including limitations corresponding generally to those in system claim 105. Independent claim 117 specifies a computer program product including limitations generally similar to those in system claim 105.

Notwithstanding the previous representation that the primary issue in these independent claims was the clarity of the time series descriptors, the Examiner continues to reject the claims as anticipated by or obvious over Abecassis. The action continues to contend that Abecassis discloses at least two time series descriptors by referring to Fig. 2B, elements 230 and col. 8, lines 34-45. Line 230 in Fig. 2B simply indicates the possible descriptor values that can be used to represent time in a video. The values correspond to (1) no time characteristic, (2) minimal time characteristic, (3) expanded time characteristic and (4) extensive time characteristic. Such possible characteristics are not remotely relevant to a time series descriptor. This is not a time series set of data, but rather a measure of time. Nor does the action provide any explanation.

Abecassis does not make obvious the replacement of manually generated descriptors to label pre-existing segments with time series descriptors which are subsequently used to derive segment boundary times. Moreover, as discussed above, Abecassis does not disclose or suggest obtaining automatically at least one segment descriptor value for each of the segments. Abecassis obtains descriptors manually.

Thus, the Examiner's continued reliance on teachings not present in Abecassis to reject independent claims 105, 111 and 117 as anticipated is clear error. Applicant does not otherwise repeat the more detailed arguments presented in the prior amendments with respect to the independent and/or dependent claims.

In short, the basic premise for the rejections, that Abecassis discloses automatically obtaining descriptor values or using time series descriptors, is factually in error. Abecassis is directed to a system which manually determines descriptor values. Thus, the clear errors in the Examiner's rejection are apparent and the action should be withdrawn and the application allowed.